

JUL 05 2006

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**FACSIMILE COVER LETTER**

**To:** Commissioner for Patents  
Examiner Jones III, Clyde H.

**Firm:** U.S. Patent and Trademark Office  
Art Unit 2623

**Facsimile:** (571) 273-8300

**From:** Thomas F. Presson

**Date:** July 5, 2006

**Re:** FLH Ref No.: 450100-03501  
Serial No: 09/966,704

**Number of Pages:** 17  
(including cover page)

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JUL 05 2006

PATENT  
450100-03501IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Tetsujiro Kondo, et al.  
 Serial No. : 09/966,704  
 Filed : September 28, 2001  
 For : AUDIENCE RESPONSE DETERMINATION APPARATUS,  
 PLAYBACK OUTPUT CONTROL SYSTEM, AUDIENCE  
 RESPONSE DETERMINATION METHOD, PLAYBACK OUTPUT  
 CONTROL METHOD, AND RECORDING MEDIA  
 Examiner : Jones III, Clyde H.  
 Art Unit : 2623

745 Fifth Avenue  
 New York, NY 10151  
 Tel: 212-588-0800

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is an amendment in the above-identified application.

- ☒ No additional fee is required.  
☐ The fee has been calculated as shown below.  
☐ This is an application of a small entity under 37 CFR 1.9(f), and the amounts shown in parentheses apply.

Claims as Amended

(1)	(2) Claims remaining after amendment	(3)	(4) Highest number previously paid for	(5) Present extra	(6) Rate	(7) Additional Fee
Total claims	24	Minus	** = 24	* 0 x	\$50 (25)	= \$ 0
Independent claims	6	Minus	*** = 6	* 0 x	\$200 (100)	= \$ 0
Total additional fee for this amendment						\$ 0

- \* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.  
 \*\* If the highest number of total claims previously paid for is less than 20, write "20" in this space.  
 \*\*\* If the highest number of independent claims previously paid for is less than 3, write "3" in this space.

- ☐ This application contains a multiple dependent claim. The required fee of \$300 (150) has been previously paid ☐, or is paid herewith ☐.
- ☐ This response is being filed within the \_\_\_ month following the expiration of the term originally set therefor. This is a petition to request a \_\_\_ month extension of time. A check covering the cost of the petition is enclosed.
- ☐ A check in the amount of \$ \_\_\_ is attached, which covers the cost of ☐ additional claims ☐ petition for extension of time.
- ☐ Charge \$ \_\_\_ to Deposit Account No. 50-0320.
- ☒ Please charge any additional fees incurred by reason of this response or credit any overpayment to Deposit Account No. 50-0320.

CERTIFICATE OF FACSIMILE

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Barnet Shindlman

(Name of person signing facsimile)



Signature

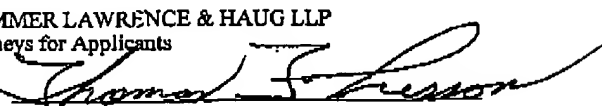
July 5, 2006

Date of Signature

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
 Attorneys for Applicants

By:

  
 Thomas F. Presson  
 Reg. No. 41,442  
 (212) 588-0800

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FROM: FROMMER LAWRENCE & HAUG

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U.S. Patent Application No. 09/966,704  
Reply to Final Office Action dated May 3, 2006

JUL 05 2006  
PATENT  
450100-03501

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Tetsujiro Kondo, et al.  
Serial No. : 09/966,704  
For : AUDIENCE RESPONSE DETERMINATION APPARATUS,  
PLAYBACK OUTPUT CONTROL SYSTEM, AUDIENCE  
RESPONSE DETERMINATION METHOD, PLAYBACK OUTPUT  
CONTROL METHOD, AND RECORDING MEDIA  
Filed : September 28, 2001  
Examiner : Jones III, Clyde H.  
Art Unit : 2623  
Confirmation No. : 6412

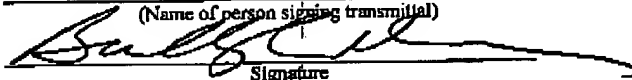
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Barnet Shindelman

(Name of person signing transmittal)



Signature

July 5, 2006

Date of Signature

### RESPONSE UNDER 37 C.F.R. § 1.116

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Final Office Action mailed on May 3, 2006, having a three-month statutory period for response set to expire on August 3, 2006, please amend the above-identified application as follows.

U.S. Patent Application No. 09/966,704  
Reply to Final Office Action dated May 3, 2006

PATENT  
450100-03501

**Amendments to the Claims** are reflected in the listing of claims, which begins  
on page 3 of this paper.

**Remarks/Arguments** begin on page 11 of this paper.